

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

**LOUIS D. CRAFT, JR.,**

**Plaintiff,**

**vs.**

**JOHN MIDDLETON, et al.,**

**Defendants.**

)  
)  
)  
)  
)  
)  
)  
)  
)  
)

**Case No. CIV-11-925-R**

**ORDER**

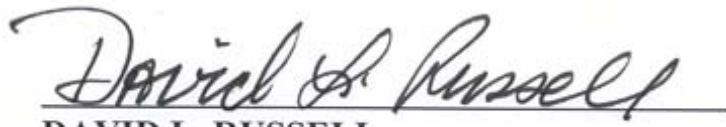
Before the Court is the Amended Report and Recommendation of United States Magistrate Judge Bana Roberts entered August 20, 2012, recommending that Defendant Don Pope's motion for summary judgment [Doc. No. 30] be granted. Doc. No. 45. Also before the Court is Plaintiff's objection filed August 31, 2012 [Doc. No. 49]. Pursuant to 28 U.S.C. § 636(b)(1)(B), the Court reviews the Amended Report and Recommendation *de novo* in light of Plaintiff's objection.

In his objection, Plaintiff asserts that he has a claim against Defendant Pope for retaliation that doesn't require proof of an actual injury. However, ultimately, Plaintiff is still claiming that Defendant Pope, by conspiring with CCA officials to retaliate against Plaintiff for having filed suits, prevented Plaintiff's access to the courts: "Don Pope conspired with CCA officials and retaliated with the short-comings to deter Plaintiff from exercising his First Amendment rights" Objection [Doc. No. 49] at p. 5. For the reasons explained in the Amended Report and Recommendation, however, no genuine issue exists but that no action or failure to act by Defendant Pope caused the dismissal of Plaintiff's federal habeas action

or interfered with Plaintiff's access to the courts. Moreover, Plaintiff has failed to allege any facts showing that Defendant Pope knew of Plaintiff's civil suit against DCF and agreed with CCA officials to retaliate against Plaintiff because of that suit.

In accordance with the foregoing, the Amended Report and Recommendation of the Magistrate Judge [Doc. No. 45] is ADOPTED and Defendant Don Pope's motion for summary judgment on Plaintiff's Complaint is GRANTED.

IT IS SO ORDERED this 6<sup>th</sup> day of September, 2012.

  
DAVID L. RUSSELL  
UNITED STATES DISTRICT JUDGE